

RESPONSE

Applicant notes with appreciation the interview with Examiner Fidei on August 9, 2002. The substance of that discussion is set forth herein.

The present posture of this application is that it currently under final rejection. The interview with Examiner Fidei and the substance of this Response focus on claims 4,5,10, 16 and 17. While Applicant respectfully believes that the remaining claims are likewise in condition for allowance, based on the actions of the Examiner and the discussion during the interview, Applicant believes that the patentability of those claims should be addressed, if at all, in a possible appeal. On the other hand, claims 4, 5, 10, 16 and 17 are clear examples of patentable inventions.

Claims 4 and 5

Claims 4 and 5 are comparable with the only difference being dependence from different claims (claims 1 and 3 respectively). In each instance, there is the formation of a sealed blister resulting from the following specific structural limitation:

“wherein the inside of the sidewalls are in frictional engagement with the outside edge of the ridge walls.”

This structure is discussed in detail in the application on page 5 with reference to, e.g., Figures 2 and 3 of the application.

In the Office Action, the Examiner made the only reference to claim 4 (and presumably also claim 5) as the following:

"Similarly, the undercut also has "sidewall" on either side leading to the arc in the bottom of recess 44 to the extent recited in claim 4, see e.g., Figure 2B."

There is no specific comment by the Examiner of any engagement of the sidewalls with the ridge walls.

The Allers reference does not support the Examiner's rejection either explicitly or implicitly. Even if it is assumed that Allers has comparable ridge walls and sidewalls 28 and 44, there is no frictional engagement between them. The Examiner references Figure 2B, but that Figure is merely of the so called "sidewalls" alone. There is no engagement of respective sidewalls and ridge walls in that figure. More importantly, Figure 4 of Allers shows that there is an actual gap between the comparable ridge wall and sidewalls 28 and 44 in the Allers patent. There is no discussion or explanation in the Allers specification to the contrary.

Even as originally submitted, therefore, the relevant structural limitation relating to engagement of the sidewalls with the ridge walls is not met in Allers. More specifically now after the amendment to clarify the invention, the inside of the sidewalls and the outside edge of the ridge walls are not engaged in the Allers reference. Therefore, Allers is not a proper anticipatory reference.

Claim 10

There is no amendment proposed or believed necessary with respect to Claim 10 to have it be deemed patentable. During the interview, the Examiner requested some discussion of the definition of "sidewalls" to better understand the patentability of this claim. Reference is made to the paragraph spanning the bottom of page 4 to the top of page 5 of the application as well as the middle paragraph on page 6 of the application. In each of those discussions, the sidewalls are specifically noted as wall portions that angle up from the respective shoulders in the figures. The specific example where sidewalls 23 are shorter than ridge walls 35 is explicitly shown in Figure 5 of the application and the related discussion on page 6 of the application.

In the Office Action, the Examiner made the following statement with respect to Claim 10:

"With respect to claims 10, 16 and 17, the undercut sidewalls are shorter than the ridge wall because the ridge walls fit within the undercut and extend beyond and out of the undercut, note Figure 4."

Although Applicant does not clearly understand the meaning of the Examiner's statement, the Allers patent is explicit with respect to this feature of the relative length of the sidewalls to the ridge walls. Figure 4 of Allers shows sidewall 44 longer than ridge wall 28, because there is space shown between those portions and the respective shoulders 26 and 42 are touching. By definition, therefore, the sidewall is longer than the ridge wall, not shorter.

In view of the explicit application claim language and plain Allers teaching, the Allers reference is not an appropriate citation for an anticipatory rejection. It does not contain or teach the claimed feature that the undercut sidewalls are shorter than the ridge walls.

Claims 16 and 17

In the Office Action, the Examiner has rejected claims 16 and 17 based on §112 on the basis that the term "the dimensions" is unclear. Those claims have been amended to describe the dimensions as the "length and width" dimensions of the ridge. This particular aspect of the present invention is discussed in the paragraph fully contained on page 5 of the application.

The relevant portion of the Office Action in rejecting Claims 16 and 17 was noted earlier in discussion with respect to claim 10. Again, the Examiner's comments do not address the dimensions of the ridge. They particularly do not address the dimensions of the ridge as clarified with the present amendment.


The Allers reference does not meet this claim limitation on the basis that, specifically with reference to Figure 4, the ridge dimensions are not equal to the undercut dimensions, because there is in fact space between the ridge wall 28 and the sidewalls 44. If the ridge wall dimensions were equal to or greater than the sidewall dimensions, then the comparable ridge walls 28 would be abutting directly against the side walls 44. They are not. There is no discussion or other language in the Allers reference that would support the claim that the ridge wall dimensions are larger than the corresponding undercut dimensions. For this reason, Allers is not an appropriate basis for rejection pursuant to §102.

For all the foregoing reasons, Applicant submits that Claims 4, 5, 10, 16 and 17 are allowable. Favorable action is respectfully requested thereon.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 50-2127.

Respectfully submitted,

Date: August 15, 2002

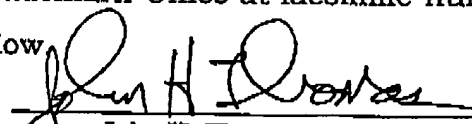

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner David Fidei at the Patent and Trademark Office at facsimile number (703) 703 872-9303, on the date shown below


John H. Thomas
Date: August 15, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

4. (Amended) The sealed blister assembly described in claim 1, wherein the undercut comprises sidewalls, the outside edge of the ridge comprises walls, and further wherein the inside of the sidewalls are in frictional engagement with the outside edge of the ridge walls ~~and the sealed blister results from the engagement of the undercut sidewalls and ridge walls.~~

5. (Amended) The sealed blister assembly described in claim 3, wherein the undercut comprises sidewalls, ~~and the sealed blister results from the engagement of the undercut sidewalls and ridge walls~~ and further wherein the inside of the sidewalls are in frictional engagement with the outside edge of the ridge walls.

16. (Amended) A sealed blister assembly set forth in claim 1, wherein the length and width dimensions of the ridge are larger than the corresponding dimensions of the undercut.

17. (Amended) A package assembly set forth in claim 14, wherein the length and width dimensions of the ridge are larger than the corresponding dimensions of the undercut.